IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1913 of 2000

Between:

Yedla Ranga Rao S/o. Anandaiah
Tenali Cooperative Urban Bank Ltd., Tenali, Guntur District.

..... PETITIONER

AND

1. The Govt. of A.P., rep. by its Secretary,
Department of Cooperation, A.P. Secretariat Bldgs.,
Hyderabad.
2. The Commissioner for Cooperation &
Registrar for Cooperative Societies,
A.P. Co-operative Societies,
Nampalli, Hyderabad.
3. The District Cooperative Officer, Guntur.
4. The Divisional Cooperative Officer,
Tenali, Guntur District.
5. The President, Tenali Cooperative Urban, Bank Ltd.,
Tenali, Guntur District.
6. D. Somasekhar Rao S/o not known
Tenali Cooperative Urban Bank Ltd.,x Tenali,
Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate order or directions, particularly in the nature of writ of Mandamus directing the 3rd respondent not to register the 5th respondent society herein under the provisions of Act 30 of 1995 by declaring Section 5 of Act 30 of 1995 as ultra vires, unconstitutional and contrary to the public policy and pass such other order or orders or directions, as this Hon'bl High Court, deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.A.SATYA PRASAD

Counsel for the Respondents 1 to 4: GP FOR COOPERATION

Counsel for the Respondents 5 and 6: None appeared.

The Court made the following:

O R D E R: (Per Hon'ble Sri Justice B.Sudershan Reddy)

No statute or any provision thereunder can be struck down by this Court on the ground that the Legislature failed to apply its mind while enacting the Law.

In the circumstances, the provisions of the A.P. Mutually Aided Cooperative Soceity Act, 1995 (for short "the Act"), and more particularly Section 5 of the Act, cannot be held to be *ultra vires*. Conversion of the fifth respondent-society into a society under the provisions of the Act, appears to have been already done as is evident from the averments made in the affidavit filed in support of the writ petition. The fifth respondent had already obtained a direction from this Court on 31.12.1999 directing the authorities to convert the fifth respondent-society into a society as the one under the Act.

For the aforesaid reasons, we find no merit in the writ petition and the same shall accordingly stand dismissed without any order as to costs.

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B.SUDERSHAN REDDY, J

K.C.BHANU, J

gs/ks

Dated: 03-11-2004.

To

1. The Secretary, Govt. of A.P.,
Department of Cooperation, A.P. Secretariat Buildings.,
Hyderabad.
2. The Commissioner for Cooperation &
Registrar for Cooperative Societies,
A.P. Co-operative Societies,
Nampalli, Hyderabad.
3. The District Cooperative Officer, Guntur.
4. The Divisional Cooperative Officer,
Tenali, Guntur District.
5. The President, Tenali Cooperative Urban, Bank Ltd.,
Tenali, Guntur District.

6. 2 CCs to the G.P. for Cooperation, High Court of A.P.,
Hyderabad (OUT)

7. 2CD copies